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**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Re: *IP - Enabled Services, WC Docket No. 04-36***  
***Ex Parte Presentation***

Dear Ms. Dortch:

Equant Inc. provides global, integrated and customized communications infrastructure solutions, comprised of data and Internet Protocol ("IP") network products and value-added services as well as network integration services. Because Equant's customers are multinational corporations and international institutions, Equant considers itself an enterprise market provider, not a mass-market provider. Using our portfolio of value-added services and the seamless global geographic reach of our network, our customers can access their information and applications, as well as applications available from the Internet, anywhere in the world.

Equant takes this opportunity to provide its views in connection with the Notice of Proposed Rulemaking in Docket No. 04-36, released March 10, 2004. Although the time for submission of formal comments has passed, we hope that these informal views, coming from a company principally engaged in the provision of IP network products and services to the enterprise market, will prove helpful to the Commission.

Equant believes that the definition of "IP-enabled services" is much broader than mass-market VoIP services, which at this time appears to command discussions in this proceeding. Equant would respectfully remind the Commission that when considering policy issues it is essential to consider the impact of policy decisions on all affected services and markets, including the enterprise market and non-VoIP services. For example, Equant's portfolio of IP-enabled solutions demonstrates the range currently available to the enterprise market and these services are distinguished from those offerings to mass-market consumers in type and scope. Our solutions include private IP networks that handle integrated data, voice and video, VPN's connecting corporate sites

over the public Internet, and end-to-end provisioning and management of messaging applications. Equant hopes that the Commission will consider the whole of issues surrounding IP-enabled services beyond those presented in the mass-market arena.

Equant believes that IP-enabled services have benefited significantly from the Commission's policy of minimal regulation of enhanced and information services, which policy has encouraged investment in cutting edge technologies. The enterprise services provided by Equant are tailored to meet the specific needs of our customers, which needs may not be served as effectively if the Commission were to abandon its current policy. The competitive nature of the current IP market, fostered by the Commission's policies, satisfies those enterprise customers' specific needs and concerns with original and often complex solutions at low price levels. We urge the Commission to continue the policy of minimal regulation.

With regard to the question of jurisdiction, Equant urges the Commission to make clear that IP-enabled services fall within the established category of information services under the exclusive jurisdiction of the Commission. This step is necessary to ensure the availability of a single, consistent, national regulatory framework. State regulation of the information services market is potentially burdensome and could impose inconsistent regulatory requirements for IP-enabled service providers, which in turn, would prevent investment, growth and competition in these new IP technologies.

Equant believes that regulation is still necessary in areas where providers possess significant market power and control the transmission capabilities underlying the IP-enabled services, including broadband. Access is certainly a key issue to Equant, as it is to most providers who must rely on "last mile" transport facilities, where access is generally controlled by a single entity. This market remains rather uncompetitive despite Congressional and Commission efforts supporting access to these legacy-monopoly loops. Bottlenecks in last mile access to corporate premises will harm the corporate communications market if providers holding this market power are unchecked by regulation. Therefore, Equant believes that the Commission should continue to regulate wherever a provider possesses significant market power with respect to the underlying telecommunications facilities. Once the promise of the Telecommunications Act of 1996 brings true competition to the last mile, regulatory oversight can be diminished.

With regard to social policy objectives, Equant recognizes that the Commission has certain obligations. However, we believe that it is premature for the Commission to invoke Title I ancillary jurisdiction to enact specific regulatory requirements for IP-based services and applications. The communications landscape is changing and the information services industry is working to develop and deploy solutions that enable new IP-based services and applications to continue meeting these important social policy objectives. A case in point is disability access. Equant agrees that services should generally be accessible to those with disabilities, although we do not believe that strict regulation is necessarily the best means to achieve this goal. It is Equant's experience that there is very limited demand for legacy type tools, such as TTY and



TDD, in the enterprise market today. Rather, the disabled have access to several alternative and more efficient means of communication, including instant messaging and e-mail, that are often integrated in the enterprise applications. Often enterprise customers select customized solutions; the appropriate tools are implemented accordingly.

Equant also believes that IP technology should not be pigeonholed and potentially penalized in order to protect a particular regulatory scheme that is not relevant or appropriate. If the proliferation of IP-enabled services appears to threaten an existing regime, such as that of intercarrier compensation, universal service or telecommunications relay service; we believe the solution is review and reform of the existing regimes rather than imposition of these procedures upon the dynamic and competitive information services market.

In sum, Equant believes that the Commission should continue its policy of minimal regulation of IP and IP-enabled services, should assert sole jurisdiction, should maintain regulation of bottleneck facilities, and should not enact regulatory requirements to satisfy social obligations or to protect non-relevant regulatory regimes. Equant looks forward to Commission action confirming its commitment to keeping the information services market free of unnecessary and harmful regulation.

The information services market is highly competitive and the Commission should nurture this environment and allow consumers the ability to choose among the innovative, customized IP-enabled information services without unnecessary regulatory intervention. The market will surely guarantee that pioneering services are available to respond to consumer needs and concerns.

Respectfully yours,



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